THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.26860 of 2005

16.12.2005

Between:

Kotla Shobha, W/o.Kotla Saidulu, Thipparthi Mandal,
Nalgonda District.

… Petitioner

AND

The Superintendent Engineer, Panchayat Raj Circle, Nalgonda
and another.

… Respondents

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WRIT PETITION No.26860 of 2005

ORDER:

The petitioner is a resident of Pathapally H/o Thanedar Pally village of Thipparthi Mandal in Nalgonda District. She is allegedly owner of the land admeasuring Acs.3.30 gts., in survey No.174 of the said village where she is raising wet crops. It is her case that Panchayat Raj Department proposed to form B.T. road from Pathapally to Thanedar Pally. There is an existing cart track passing by the side of the petitioner's land but it is alleged that without recourse to Land Acquisition Act, 1894, the respondents through their contractor are laying the road on the petitioner's land at a distance of 33 feet width. Therefore, the present writ petition is filed seeking declaration that the action of the respondents is illegal.

At the stage of admission itself, the learned Assistant Government Pleader (Panchayat Raj) on instructions submits that the road is laid on the existing cart track and there is no proposal to lay the road on the petitioner's land. He also placed reliance on the representation given by the petitioner on 15.11.2005. A reading of the same would belie any submission of the learned Counsel for the petitioner that there is a proposal to lay the road on the petitioner's land. Even according to the petitioner, as seen from her representation, the respondents are allegedly utilizing the soil/earth from his land for the purpose of laying down the road.

The writ petition is misconceived and is, accordingly, dismissed. No costs.

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(**V.V.S.RAO, J**)

December 16, 2005.

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